



314026

EHS Environmental Technical Networks



Mail to: PO Box 9777
Mailstop: WTC-2G2
Federal Way, Washington 98063-9777
Ship to: 32901 Weyerhaeuser Way S.
Federal Way, Washington 98001
Tel (253) 924 4190
Fax (253) 924 6182
E-mail: john.gross@weyerhaeuser.com

March 26, 2008

Mr. James Saric
Remedial Project Manager
U.S. Environmental Protection Agency - Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Re: Response to U.S. EPA March 14 letter from Mr. Chummar

Dear Mr. Saric:

It is with regret that I am compelled to send this response to the United States Environmental Protection Agency's (USEPA's) March 14, 2008 letter from Sam Chummar. I had hoped to avoid this exchange of documents. As Weyerhaeuser's Remediation Team Leader, I am very concerned that, based on the content of Mr. Chummar's letter, the positive working relationships with all stakeholders desired by Weyerhaeuser are in jeopardy. I sincerely hope that, together, you and I can redirect the focus of the future work to allow for better communication, teamwork, and outcomes for the project.

Weyerhaeuser has long advocated a cooperative approach to addressing environmental liability at Superfund sites and our facilities across the county. You may already be familiar with the proactive leadership approach we have taken within Region 5 in completing work on the MidState and Spickler Sites in Wisconsin. Thus, it is especially concerning to me that the extraordinary efforts that we have taken to implement the Emergency Response actions at Kalamazoo could be overshadowed by what appear to be minor issues in communication with no substantive impact on meeting project objectives. The USEPA letter requested that a meeting be scheduled. Weyerhaeuser immediately agreed with the request and believes that a meeting is an excellent idea. I understand that a meeting has been scheduled for April 7th. I strongly suggest that the primary focus of this meeting should be on creating a more effective team approach for the project as it progresses in order to build on the strong positive relationship that Weyerhaeuser and the City of Plainwell have already developed.

This letter provides a response to the concerns raised in Mr. Chummar's March 14 letter. For additional context, I have also included in this letter a brief summary of Weyerhaeuser's past role and work on the project.

Weyerhaeuser's Role on the Allied Paper Inc./Portage Creek/Kalamazoo River Site

Weyerhaeuser's actions show that it has acted promptly and responsibly in connection with the Allied Paper Inc./Portage Creek/Kalamazoo River Superfund Site (Site). The Site was listed on

Mr. James Saric
March 26, 2008
Page 2

the National Priorities List (NPL) in 1990. Weyerhaeuser was first notified of its potential liability for the Site in a USEPA letter dated September 26, 2002, which also provided special notice regarding the 12th Street Landfill (OU-4).¹ USEPA then sent a separate 104e letter to Weyerhaeuser on October 11, 2002, to which Weyerhaeuser sent a prompt and comprehensive response, and USEPA thereafter sent to Weyerhaeuser a General Notice of Liability for the Site on April 8, 2004. In 2004, Weyerhaeuser and EPA worked closely together to negotiate the Consent Decree, which was entered on February 15, 2005, for the design and implementation of certain actions at OU-4 and the Plainwell, Inc. Mill property of the Site. Weyerhaeuser has been acting in compliance with the Consent Decree requirements, including the establishment of a \$6.3 million special account for the Kalamazoo River Superfund Site.

Weyerhaeuser's Support to the City of Plainwell

Weyerhaeuser also has worked closely with the City of Plainwell to help accomplish its goals for the former mill property. The City advised Weyerhaeuser of its concern over the Consent Decree schedule and requested that Weyerhaeuser consider beginning the Consent Decree related activities on the Mill Remedial Investigation/Feasibility Study (RI/FS) before the Landfill Activities to help facilitate redevelopment of the property. With the agreement of USEPA, Weyerhaeuser immediately focused its efforts on the Mill Property. In June, 2006, Weyerhaeuser commented on the draft Statement of Work received from USEPA for the Mill RI/FS and then, after the SOW was approved in August 2006, began working on a RI/FS work plan for the Mill Site. Both the SOW language and the subsequent RI/FS Work Plan were developed based upon conclusions presented in the USEPA-funded Reuse Planning Report prepared for the Plainwell Paper Mill Property Superfund Reuse Assessment, completed in March 2005. Pursuant to the schedule in the SOW, the draft RI/FS work plan was submitted to USEPA in September 2006.

Both before and after submittal of the draft RI/FS Work Plan, Weyerhaeuser worked closely with the City of Plainwell to continue the planning process so that the future land use concepts could be integrated into the RI/FS activities. Weyerhaeuser funded a series of planning meetings, a building review and market survey, a developer's forum and the first Citywide update meeting on the redevelopment project. Weyerhaeuser is still working closely with the City to combine the future land use into the Superfund activities in a manner consistent with the Superfund Reuse Initiative.

Weyerhaeuser's Response to the Plainwell Impoundment TCRA

The Emergency Response actions along the Mill Banks are another component of cooperation between the City and Weyerhaeuser. After the public announcement of the Plainwell

¹ Weyerhaeuser's first notice of potential liability from the Michigan Department of Environmental Quality (MDEQ) occurred when Weyerhaeuser received a notice of liability and request for reimbursement for costs it incurred in connection with work it performed at the site with parties other than Weyerhaeuser

Mr. James Saric

March 26, 2008

Page 3

Impoundment Time Critical Removal Action (Plainwell TCRA) on February 28, 2007, the City contacted Weyerhaeuser to request help in addressing paper residuals that had been identified (but not addressed as part of the TCRA) along the Mill Banks. A formal request was received from the City in May, 2007. At the same time (May 17, 2007), Weyerhaeuser requested and received approval from USEPA to conduct an Emergency Response at the 12th Street Landfill and was developing a design plan to define the specific emergency response actions necessary to address potential releases of waste material from OU#4 that would be caused by the diversion of the Kalamazoo River planned as part of the Plainwell TCRA. In response to the City's request, Weyerhaeuser and the City met with USEPA in early June 2007 and then Weyerhaeuser submitted a formal request for approval of the Mill Banks Emergency response on June 28, 2007. The Plainwell Mill Bank Emergency Response was conditionally approved on June 29, 2007 followed by submittal of a series of technical memoranda and work plans. Concurrently, the Design plan for the Powerhouse Channel Emergency Response at the 12th Street Landfill was submitted for review on July 27, 2007, conditionally approved on August 15, 2007 with site preparation activities immediately initiated. Work was completed on the 12th Street Emergency Response action at the end of October, 2008.

For the Mill Banks, the first work plan to implement a reconnaissance along the Mill Banks was submitted in June 2007 with the work conducted in July 2007. The reconnaissance confirmed the presence of paper residuals along the bank and supported development of the Plainwell Mill Banks Emergency Response Design Plan. This design plan described an approach to the Emergency response that included limiting bank cut-backs to preserve the river front for the City's redevelopment plans. The conceptual approach was submitted for USEPA review on August 14, 2007 followed by the draft Plainwell Banks Emergency Action Design Report on September 5, 2007. After multiple iterations and comments were received and addressed, the site preparation activities were approved and initiated on October 18, 2007. The design report was then approved and residuals removal began in Zone A on November 13, 2007. Due to the late start and early winter snows, the work on the Plainwell Mill Banks has continued throughout the winter months. This schedule has been maintained to meet the Emergency removal action objectives along the Mill banks before the 2008 spring thaw and the planned river channel diversion that are expected to create additional erosion in mid to late March/early April, 2008.

I have included the discussion in the preceding paragraphs to show that Weyerhaeuser has quickly and effectively moved forward to address environmental issues on both the 12th Street Landfill and the former Plainwell Mill site. The City has acknowledged the strong working relationship with Weyerhaeuser and repeatedly expressed appreciation for our efforts and support. Both USEPA and MDEQ have also recognized the importance of the Emergency actions and difficulties in completing these actions within the very limited schedule established by the Plainwell TCRA.

Weyerhaeuser's Response to USEPA's Stated Concerns in the March 14, 2008 Letter

In Mr. Chummar's March 14, 2008 letter, he stated that USEPA had become concerned about the performance of some aspects of the emergency work and noted that MDEQ shared these

Mr. James Saric

March 26, 2008

Page 4

concerns. Four issues were identified. Because the allegations in the letter so fundamentally conflict with Weyerhaeuser's approach to remediation, I have closely reviewed the allegations and have developed the following responses.

a). USEPA Concern: Erroneous Statement made in Progress Report 16

Response: The statement in Progress Report 16 (dated January 30, 2008), that "no analyzed constituents were detected in the sample of fill material analyzed" was incorrect. I understand that Weyerhaeuser's consultant, RMT, Inc. (RMT) has apologized for this misstatement, and I again apologize for the error. I understand that the statement was made based on an initial review of the organics data only that did not include the metals results. The issue was further complicated by an error by the independent laboratory in the metals analytical section that improperly provided results for materials other than the fill material. The laboratory error resulted in an erroneous report of high metals concentrations associated with the fill. This created legitimate concerns by USEPA and MDEQ. RMT took immediate action to analyze additional fills soil samples from the material source, reanalyze the pile sample and test an available fill sample that had been taken previously. When all these results showed metals well below applicable Michigan standards, the independent laboratory was asked to recheck its procedures after which it identified their error. On February 26, 2008 a separate letter was sent to USEPA explaining the error and reporting the correct results. Mr. Chummar verbally acknowledged on March 11 that there was actually no problem with the documentation and that the agencies were relieved by the final outcome. To correct the administrative record, a revised Progress Report No. 16 that addresses the metals in the fill sample as below standards and includes the appropriate laboratory data sheets is being submitted to USEPA under separate cover. To minimize the likelihood of this occurring again, I have directed RMT to implement multiple levels of lab data review prior to submittal of future reports.

b). USEPA Concern: Failure to follow the Work Plan (see attached section 3.1 of approved Work Plan) (Please note that it is difficult to respond to this comment since it does not identify the particular concern. However, based upon verbal statements from the USEPA remedial project manager to RMT in the field and in separate conversations on March 11, we are assuming that the concern is associated with turbidity monitoring).

Response: The work plan was followed. Turbidity was recorded every 15 minutes. Hourly readings are extrapolated from the results as needed to meet the specific requirements in the work plan. The approved Plainwell Banks Emergency Action Design Work Plan monitoring program for turbidity was met throughout the process.

Comments made by the USEPA Remedial Project Manager to RMT have provided us with some insight into his specific concerns. These possible concerns and the relevant sections from Section 3.1 of the approved Mill Banks Emergency Response Action Design Plan, Resuspension Monitoring and Control are presented below:

- Possible Concern: Turbidity observed during placement of erosion project rock and lack of attention to monitoring results:

Work Plan Requirement: The objective of the resuspension monitoring and control plan is to minimize the potential for residuals release to the Kalamazoo River (pg 15 Objectives). As such, turbidity was used to provide real time water quality data that provides a good surrogate to measure possible polychlorinated biphenyls (PCBs) in surface water (Pg 16). Thus the hourly turbidity monitoring is to be performed during excavation activities (Page 17), not during placement of clean material.

Additional field response: The brief re-excavation activities that occurred earlier in the day did not result in turbidity exceedance above the resuspension criteria.

- Possible Concern: Turbidity measurements were not being sufficiently reviewed during field activities:

Work Plan Requirement: The work plan (page 15 and top of page 16) states that the downstream turbidity data is to be compared to twice the measured turbidity at the downstream locations or 15 NTUs whichever is greater. Then the turbidity exceedance needs to be reproduced over three consecutive 15 minute intervals to trigger contingency actions (mid paragraph page 17). Furthermore, the downstream turbidity is to be collected from locations 200 and/or 300 feet downstream from the current work zone and at a representative upstream location (Page 16 paragraph 2). The monitoring stations are to be located as much as possible along the general river flow path past the work area, although the specific locations are subject to change based upon field conditions. The contingency plan calls for the following mitigation actions to identify and eliminate the cause of the exceedance (pg 17 mid page):

- Inspection of the area downstream of the excavation site and the turbidity curtains and repair as needed.
- Implementation of troubleshooting measures based on field conditions to reduce turbidity (*i.e.*, re-securing or re-positioning the silt curtain, modifying the excavation approach, etc.).
- Finally, excavation rates will be reduced or procedures modified until the turbidity has returned to acceptable levels.

Additional field response: Throughout the bank excavation activities, the contingency actions listed above were initiated by the RMT field teams as soon as turbidity was observed outside of the silt curtain during excavation of residual bank materials. They did not wait forty-five minutes to collect three sequential readings and then determine if the criteria was being exceeded prior to taking the initial actions. This practice has been and is being followed by RMT for all of the bank work.

Possible Concern: The turbidity monitor was improperly located.

Work Plan requirement: (Page 16 paragraph 2) - The downstream turbidity is to be collected from locations 200 and/or 300 feet downstream from the current work zone and at a representative upstream location. The monitoring stations will be located as much as possible along the general river flow path past the work area, although the specific locations are subject to change based upon field conditions.

Additional field response: During field activities, the location of the monitoring station is adjusted each time the silt curtains are moved. The location is further adjusted daily as needed based upon flow conditions in the river and can be further adjusted upon discussion with oversight representatives. On March 11, 2008, when EPA representatives were on site, the turbidity meter was located in the general flow path and 200 feet downstream from the area being filled. The flow was high in that part of the river due to both weather conditions and the proximity to midstream islands that constrict the channel and increase water velocity. The next day, on March 12, 2008, an adjustment in the meter location to a point much closer to the silt curtain was made at the request of the USEPA.

Possible Concern: Damaged silt curtains were not being addressed.

Work Plan Requirement: (page 17) – Visual inspections are to be conducted during residual excavation activities to assess the integrity of the curtains, including anchoring, positioning, alignment and physical damage. If a problem is found, work will be modified or cease until the problem is corrected.

Additional field response: As required by the Work Plan, at all times during the residual excavation activities, RMT conducted visual inspections to confirm the integrity of the curtains. On March 11, when clean rock was being placed onto the banks, high flow conditions damaged the silt curtain, but it was kept in place to help limit bank erosion while awaiting confirmation sample results. A new silt curtain was ordered and then placed in the next area targeted for excavation. All of these actions are consistent with the Work Plan.

To avoid this concern in the future, during excavation activities, RMT technical staff will be present to collect and review the turbidity results hourly and assess the location of the monitoring station to ensure that it remains in the general river flow path past the work area.

c) USEPA Concern: Deviation from standard operating procedure for sediment sampling without notifying EPA:

Response: This concern is related to confirmation samples that were collected on February 13, 2008. Weyerhaeuser did not deviate from the Standard Operating Procedure for Sediment Sampling (F-4). The method summary from SOP F-4 states that samples may be

collected using a variety of methods and equipment, depending on the depth of the water, the portion of the sediment profile required, contaminants present and sediment type. The sample collection descriptions include several techniques, including sampling with a trowel or scoop attached to a conduit. In this case, the backhoe bucket was the scoop and the lever arm the conduit. The sediment is sampled by scooping along the bottom of the surface water body. The description allows excess water to be removed from the scoop but cautions that fine particles may be lost. Furthermore, confirmation sampling is not required when the original river bottom is encountered as it was in these locations (see Section 3.3 first paragraph on page 19 of the Work Plan).

Weyerhaeuser and RMT, as well as both USEPA and MDEQ, prefer to collect confirmation samples using a core sampler whenever possible and to utilize the bucket and lever arm only when other approaches are not feasible due to site conditions. The USEPA remedial project manager did not dispute that the backhoe samples are consistent with the Sediment Sampling SOP F-4 in the conversations with field staff and on March 11, 2008. However, he apparently was concerned about the lack of agency involvement in the decision process. The SOP states that modifications of sampling methodologies will be documented in the appropriate field logbook and discussed in reports summarizing field activities and analytical results. The only area where backhoe bucket samples were taken were along the eastern and western ends of Zone D (see attached Figure 1).

These procedures were observed by MDEQ's oversight contractor and the agency notified RMT that they preferred an alternative sampling method. At the request of MDEQ and USEPA, RMT met the agency representatives on site on February 28, 2008 to determine if other sampling procedures were possible. After determining that core and Ponar dredge sampling were not possible, a decision was made to collect hand auger samples. On March 3, 2008, hand auger samples were collected at the same locations as the backhoe bucket samples. These samples were analyzed and a comparison of the results is included with Table 1, attached. Table 1 confirms that the results of both sample collection procedures resulted in data less than 1 mg/kg total PCBs, the targeted clean-up criteria.

In order to address this concern in the future, I have instructed RMT to continue to attempt to collect core or hand auger samples at all remaining locations.

- d). USEPA Concern: Failure to immediately notify USEPA of a potential release (an oily sheen) to the Kalamazoo River during performance of the Emergency work.

Response: The Consent Decree requires immediate notification to USEPA where Emergency Action "causes or threatens a release of Waste Material from the Mill or OU4 that constitutes an emergency situation or may present an immediate threat to public health or the environment...." Based on my understanding of the events, there was no such situation encountered because RMT took immediate action to address the sheen caused by the oily debris and contained the source area by covering the exposed bank. The notification to EPA was made to report the elevated PCB concentrations in bank confirmation samples and that

Mr. James Saric

March 26, 2008

Page 8

oily debris was uncovered near the former transformer station. Once RMT received results confirming that the bank confirmation samples contained elevated PCBs, Weyerhaeuser called the USEPA project manager that same day on Thursday, February 7. Unfortunately, the USEPA project manager was not available, so Weyerhaeuser proceeded to send an email that same day seeking to schedule a meeting that afternoon or following day to discuss work in Zone D. A second email requesting a response on available meeting time with USEPA and MDEQ was sent on Friday, February 8. Upon receiving response back from USEPA on Monday, Weyerhaeuser and RMT immediately called USEPA remedial project manager to discuss the situation. Weyerhaeuser's reaction to encountering oily debris during excavation with a resultant thin sheen present on the water near the excavation was to implement the applicable aspects of the Oil Spill Contingency Plan for the Plainwell Mill (copy attached). Booms were deployed, the exposed debris was covered and the area was backfilled prior to placement of erosion rock. At that point, there was no oily sheen and the site was secure with no potential for additional release of material. A series of additional events then occurred that are included in the attached release chronology. It is notable that the February 19, 2007 release response letter from USEPA did not mention concerns over notification, and in several verbal conversations both USEPA and MDEQ representatives agreed that the actions taken on site immediately following the incident were appropriate.

To prevent this from occurring in the future, we will promptly leave a voice mail message with the USEPA remedial project manager requesting an immediate return phone call. If limited information is available at the time of the initial notification, we will ask to schedule a follow-up call to discuss the details once they have been obtained.

Closing

In closing, Weyerhaeuser has been and continues to be committed to conducting high quality work on the Site and has a clear record of making things happen in a timely and responsible manner. We worked with USEPA to negotiate a Consent Decree immediately after notification as a responsible party, modified the schedule in the CD at the request of the City of Plainwell to address the Mill RI/FS first and implemented two Emergency Responses on an expedited schedule. The Plainwell Mill Banks Emergency Action work completed to date has been performed in a manner consistent with the approved work plan and has advanced to near completion, meeting all objectives in spite of challenging weather conditions. The City of Plainwell has expressed to us its appreciation of the expedited planning and implementation schedule and supports the efforts to continue a streamlined approach to the Plainwell Mill RI/FS. Fortunately, none of the concerns raised by the USEPA have created a non-compliance condition or adversely impacted the environment. As issues have been raised by the agencies, RMT's field and office teams have responded immediately.

We agree that a meeting is necessary to discuss the best ways for moving forward together to together at the Site. Rather than dwell on the past issues, about which we clearly have disagreement, I recommend that we discuss concrete steps that the parties can take. Some suggested actions include the following:

Mr. James Saric
March 26, 2008
Page 9

1. The actions identified above in this letter.
2. Weekly conference calls between Jennifer Hale and Sam Chummar.
3. Monthly conference call between Jennifer Hale and Jim Saric.
4. In-person meetings scheduled at milestones or pre-established frequencies to facilitate the upcoming work activities, e.g. after receipt of RI Work Plan comments to expedite responses; prior to field activities to refine oversight needs; after receipt of validated data to discuss implications on tasks and schedule.
5. Quarterly progress calls between you and me.

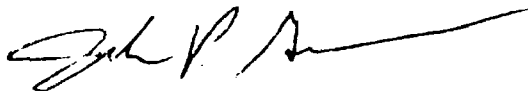
In addition, I would like to consider a discussion about establishing stakeholders meetings for USEPA/Weyerhaeuser/Plainwell or other parties interested in the Mill Superfund activities. The overall purpose of the meetings would be to identify stakeholder goals, define mutually agreeable goals for collective stakeholder group, including desired schedules for completion of various activities needed at the site, and obtain information and opinions that can impact the work activities. This input can then be integrated with the requirements of the Consent Decree. On other Superfund sites, Weyerhaeuser has successfully utilized this approach to gain alignment and clarity on remedial steps and minimize potential conflict during the process.

Thank you for your time and consideration of these issues. I look forward to working with you to obtain the best outcome for this project by improving communications and building a positive relationship between USEPA and Weyerhaeuser.

Don't hesitate to contact me at any time as we move forward with this process.

Sincerely,

Weyerhaeuser Company



John Gross
Senior Environmental Manager
Weyerhaeuser Company

(253)924-4190
john.gross@weyerhaeuser.com

Enclosures

cc: Sam Chummar- U.S. EPA
Eileen Furey- U.S. EPA
Sharon Jaffess- U.S. EPA